

**SENATE JOURNAL
66TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 8, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Tempel. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Esp, Howard, Sesso and Thomas excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair):

2/8/2019

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 114, SB 151, SB 152, SB 171, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SB 233, SR 10, SJ10, HB 61, HB 64, HB 67, HB 72, HB 83, HB 84, HB 88, HB 103, HB 119**

Correctly engrossed: **SB 108, SB 148, SB 165.**

Correctly enrolled: **SR 8, SR 9, SR 14, SR 15, SR 24.**

Examined by the sponsor and found to be correct: **SR 8, SR 9, SR 14, SR 15, SR 24.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair):

2/7/2019

SR 21, be adopted.

SR 22, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair):

2/8/2019

SB 182, do pass.

HB 66, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair):

2/7/2019

SB 8, introduced bill, be amended as follows:

1. Page 5, line 25.

Following: "(B)"

Strike: "EACH"

Insert: "(i) Except as provided in subsection (13)(b)(ii), each"

2. Page 5.

Following: line 27

Insert: "(ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

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- (c) For the purposes of this section, "extracurricular activity" means:
- (i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
 - (ii) an approved career and technical student organization, pursuant to 20-7-306; or
 - (iii) a school theater production."

And, as amended, do pass.

SB 32, introduced bill, be amended as follows:

1. Page 2, line 14.

Following: "INCLUDING"

Insert: "at least one and"

And, as amended, do pass.

SB 52, do pass.

SB 55, do pass.

SB 84, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "ALLOWING" on line 5 through "GUILTY;" on line 7

2. Title, page 1, line 8.

Strike: "THE EVALUATION"

Insert: "CERTAIN EVALUATIONS"

3. Page 1, line 18 through line 21.

Strike: "If an" on line 18 through "sentencing." on line 21

4. Page 2, line 3.

Following: "(ii)"

Strike: "The"

Insert: "Unless a psychosexual evaluation has been provided to the court prior to the plea or the verdict or finding of guilty, the"

5. Page 2, line 6 through line 9.

Strike: "If a" on line 6 through "sentencing." on line 9

6. Page 2, line 10.

Strike: "updated"

7. Page 2, line 11.

Strike: "(1)(a)(i) or"

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8. Page 2, line 12.

Strike: "updated"

9. Page 2, line 13.

Strike: "(1)(a)(i) or"

And, as amended, do pass.

SB 111, do pass.

HB 71, be concurred in.

HB 159, be concurred in.

HB 175, be concurred in.

FISH AND GAME (Fielder, Chair):

2/7/2019

HB 104, be concurred in.

JUDICIARY (Regier, Chair):

2/8/2019

SR 20, be adopted.

HB 47, be concurred in.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/7/2019

HB 30, introduced by S. Gunderson

HB 44, introduced by Z. Brown

HB 45, introduced by Z. Brown

HB 58, introduced by Z. Brown

HB 65, introduced by M. Regier

HB 92, introduced by J. Dooling

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 234, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SB 235, introduced by M. McNally, D. Brown, T. Burnett, referred to Public Health, Welfare and Safety.

SB 236, introduced by M. McNally, referred to State Administration.

SB 237, introduced by A. Olszewski, M. Blasdel, S. Hinebauch, B. Keenan, M. Lang, R. Webb, referred to Taxation.

SB 238, introduced by B. Hoven, referred to Judiciary.

SB 239, introduced by J. Ellsworth, referred to Taxation.

SB 240, introduced by J. Ellsworth, referred to Business, Labor, and Economic Affairs.

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The following Senate bill, previously introduced, was referred to committee:

SB 233, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 11, introduced by D. Sands, Z. Brown, M. Caferro, M. Dunwell, M. Hopkins, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 30, introduced by S. Gunderson (by request of the Environmental Quality Council), referred to Natural Resources.

HB 44, introduced by Z. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.

HB 45, introduced by Z. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.

HB 58, introduced by Z. Brown (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 65, introduced by M. Regier (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 92, introduced by J. Dooling (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Kary moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 89 - Senator D. Brown moved **SB 89** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

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Paired: None.

Excused: Esp, Howard, Sesso, Thomas.

Total 4

Absent or not voting: None.

Total 0

SB 150 - Senator Bennett moved **SB 150** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: None.

Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.

Total 4

Absent or not voting: None.

Total 0

SB 154 - President Sales moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: None.

Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.

Total 4

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Absent or not voting: None.

Total 0

HB 59 - Senator Vance moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.

Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.

Total 4

Absent or not voting: None.

Total 0

HB 68 - Senator Small moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.

Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.

Total 4

Absent or not voting: None.

Total 0

HB 90 - Senator Small moved **HB 90** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

Senator Kary moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, were

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disposed of in the following manner:

SB 151 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

MOTIONS

Senator Gauthier moved that **SB 24** be taken from the Fish and Game Committee and placed on second reading Tuesday, February 12, 2019, the twenty-ninth legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Mr President, Osmundson, Regier, Smith C, Vance, Webb.
Total 16

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

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SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Kary moved the Senate adjourn until 1:00 p.m., Monday, February 11, 2019, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:34 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate